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November 16, 2004

Time:

TO:

Commissioner for Patents

Attn: Craig Feinberg

Facsimile Center

P.O. Box 1450

Alexandria, VA 22313-1450

FROM: Timothy E. Bianchi

OUR REF: 825.001US2

TELEPHONE: 571-272-0659

FAX NUMBER <u>571-273-0299</u>

\* Plcase deliver to Craig Feinberg - Appeal No. 2004-1462

Document(s) Transmitted: Request for Telephonic Interview Scheduled for Wednesday, January 26, 2005.

Total pages of this transmission, including cover letter: 1 pg. If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: John H. Burton et al.

Examiner: R. Kearney

Serial No.: 09/477,977

Group Art Unit: 3739

Filed: January 5, 2000

Docket No.: 825.001US2

Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY RESTRICTING A

**BODY LUMEN** 

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Name: Timothy E. Bianchi

Reg. No.: Reg. No. 39,610

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Dawn M. Poole

Schwegman, Lundberg.

Woessner & Kluth, P.A.

Minneapolis, MN 55402

P.O. Box 2938

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United States Patent and Trademark Office

OCT 2 8 2004

U.S. PATEAT AND TRADEMARK OFFICE BOARD OF PATEAT AFPEALS AND INTERFERENCES

Appeal No: Appellant:

Application No:

Hearing Room: Hearing Docket:

Hearing Date:

Hearing Time:

Location:

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

P.O.Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

Paper No: 29

2004-1462

Burton, John H., et.al

09/477,977

Wednesday, January 26, 2005

1:00 PM

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NOTICE OF HEARING

CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences Run the date indicated. Hearings will commence at the time set and as soon as the argument in one

The time allowed for argument is twenty minutes unless additional time is requested and permitted 1 8 2004 before the argument is commenced. BOARD OF PATENT APPEALS

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

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Failure to file this form within this time period will be construed as a waiver of the request for oral Schwegman, Lundberg Monachar & Kuth, P.A. hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

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CHECK ONE:

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BOARD OF PATENT APPEALS

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FAX NUMBER <u>703-872-9306</u>

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